

**FORTY-SEVENTH DAY**

(Monday, April 25, 1949)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called and the following Senators were present:

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	

Absent—Excused

Taylor Weinert

A quorum was announced present.

The Reverend Frank Luker, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 21, 1949, was dispensed with and the Journal approved.

**Leaves of Absence Granted**

Senator Weinert was granted leave of absence for today on account of important business on motion of Senator Bullock.

Senator Taylor was granted leave of absence for today on account of important business on motion of Senator Aikin.

**Reports of Standing Committees**

Senator Jones submitted the following reports:

Austin, Texas,  
April 22, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 111, have had same under consideration, and I am instructed to report it back to the

Senate with the recommendations that it do pass and be mimeographed.

JONES, Chairman.

Austin, Texas,  
April 22, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 285, have had same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass and be mimeographed.

JONES, Chairman.

Austin, Texas,  
April 25, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 587, have had same under consideration and I am instructed to report it back to the Senate with the recommendations that it do pass and be mimeographed.

JONES, Chairman.

Senator Kelly of Tarrant submitted the following report:

Austin, Texas,  
April 25, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred H. B. No. 653, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLY of Tarrant, Chairman.

**Message from the House**

Hall of the House of Representatives,  
Austin, Texas,  
April 25, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Bills:

H. B. No. 159, A bill to be entitled "An Act providing a standard measurement for gas (including natural and casinghead); defining a 'cubic foot of gas,' or a 'standard cubic foot of gas'; amending subsection (k) of Sec. 2 of Article 6008, R.C.S. of Texas

of 1925 as heretofore amended, (such subsection (k) being that section of the Statutes defining a cubic foot of gas as applied to the production and use of natural gas), so as to substitute for the definition now contained therein the definition of a standard cubic foot of gas as defined in this Act; amending subsection (12) of Sec. 2, as contained in Sec. 1 of Article II of House Bill 8, Acts Regular Session 47th Legislature, and commonly known as subsection (12) of Section 2 of Article 7047b, Vernon's Civil Statutes 1948, and being the definition of a cubic foot of gas for tax purposes, so as to include such standard definition; providing that purchases, sales and deliveries of gas by volume hereafter made in Texas by, for, or on behalf of an oil and gas lease owner, royalty owner thereunder, or other mineral interest owner, shall be made and such gas purchased, delivered, measured, calculated and accounted for on the basis of a standard cubic foot of gas, as defined in this Act, and providing a penalty for failing so to do; providing a savings clause; and declaring an emergency."

(With engrossed rider.)

H. B. No. 66, A bill to be entitled "An Act authorizing cities and towns of 5,000 or less population to acquire telephone systems and to construct improvements, additions and extensions to same; authorizing the issuance of revenue bonds for the purpose of constructing such improvements, additions and extensions, prescribing certain terms and conditions for the issuance of such bonds; validating the acquisitions of such systems and the title thereto; and declaring an emergency."

H. B. No. 396, A bill to be entitled "An Act donating and granting to the Dallas County Flood Control District all of the State ad valorem taxes that may be collected for general revenue purposes upon property located within said District and from persons therein, for a period of twenty years, commencing September 1, 1949, not to exceed, however, the sum of One Hundred Thousand Dollars .(\$100,000) per annum; providing purposes for which such money shall be used; prescribing the duties of certain officials of Dallas County with respect to such monies donated; providing that, if any part of this Act be held unconstitutional, such decision shall not affect the re-

maining part of the Act and declaring an emergency."

H. B. No. 420, A bill to be entitled "An Act regulating the use of hormone type weed killers; providing for the promulgation and enforcement of regulations by the Commissioner of Agriculture of the State of Texas; providing for permits and licenses for dealers and users thereof; defining the type of regulations to be promulgated; fixing the penalty; repealing all laws and parts of laws in conflict; providing a severability clause and declaring an emergency."

The House has concurred in Senate amendments to H. J. R. No. 5 by vote of 106 yeas, 24 nays, and 2 present not voting.

Respectfully submitted,

CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### Senate Resolution 129

Senator Bullock offered the following resolution:

Whereas, A group of students from the Throckmorton, Texas, High School is now in the Capitol; and

Whereas, The above group has shown their desire to learn of the functions of their State Government so that upon reaching the age of voting, they can intelligently participate; and

Whereas, The Senate of the State of Texas appreciates the interest shown by these students and their teachers by making this trip to Austin; now, therefore, be it

Resolved, By the Senate of the State of Texas, that we extend a cordial welcome to these students and their teachers, and that a copy of this Resolution, under seal of the Senate, be forwarded to the Throckmorton, Texas, High School, as evidence of this recognition.

The resolution was read and was adopted.

#### Senate Resolution 130

Senator Hudson offered the following resolution:

Whereas, The Honorable S. M. Halley of Kermit, Texas, is a visitor in the Capital City; and

Whereas, Judge Halley is one of the oldest living pioneer citizens of West Texas; and

Whereas, Judge Halley served for more than a quarter of a century as County Judge of Winkler County, Texas; and

Whereas, Judge Halley is a ranchman of the old school, a business man and a philanthropist, a citizen who is interested in the problems not only of his own community, but of the State at large; and

Whereas, The members of the Senate of Texas would like to pay honor to so faithful a public servant, and distinguished citizen of Texas; therefore, be it

Resolved, That the Senate of the State of Texas welcomes the Honorable S. M. Halley to the Capital City and the privileges of the floor are extended to him for this day.

The resolution was read and was adopted.

#### Senate Resolution 132

Senator Phillips offered the following resolution:

Whereas, George Craig of Indiana, American Legion National Committeeman from Indiana and nationally prominent figure in the National American Legion, is visiting the Capitol, and

Whereas, He is an outstanding citizen of this nation, now, therefore, be it

Resolved, That Mr. Craig be invited to address the Senate and be extended the privileges of the floor for the day.

PHILLIPS  
KELLEY of Hidalgo.

The resolution was read and was adopted.

Accordingly, the President pro tempore appointed Senators Phillips, Kelley of Hidalgo, and Hudson as a committee to escort Mr. Craig to the President's stand.

The President pro tempore then presented Mr. George Craig to the Senate.

Mr. Craig addressed the Senate briefly.

#### Senate Bill 334 Set as Special Order

Senator Strauss moved that Senate Bill No. 334 be set as a special order for Tuesday, April 26, 1949, immediately following the morning call.

The motion prevailed by the following vote:

#### Yeas—24

Aikin	Jones
Ashley	Kelley of Hidalgo
Bell	Lane
Bracewell	Lock
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Harris	Strauss
Hazlewood	Tynan
Hudson	Vick

#### Nays—4

Hardeman	Martin
Kelly of Tarrant	McDonald

#### Absent

Shofner

#### Absent—Excused

Weinert	Taylor
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#### Senate Bill 118 Set as Special Order

Senator Hazlewood moved that Senate Bill No. 118 be set as a special order for Tuesday, April 26, 1949, immediately following the disposition of all other special orders set for that day.

The motion prevailed by the following vote:

#### Yeas—20

Aikin	Kelley of Hidalgo
Bell	Lane
Bracewell	Lock
Bullock	Martin
Corbin	McDonald
Cousins	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Tynan
Jones	Vick

#### Nays—7

Ashley	Moore
Carney	Morris
Kelly of Tarrant	Phillips
Moffett	

#### Absent

Colson	Hardeman
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#### Absent—Excused

Taylor	Weinert
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### Motion to Set Senate Bill 74 as Special Order

Senator Morris moved that Senate Bill No. 74 be set as a special order for Tuesday, April 26, 1949, immediately following the morning call.

The motion was lost by the following vote (not receiving an affirmative vote of two-thirds of the members present):

#### Yeas—17

Bracewell	Lane
Bullock	McDonald
Carney	Moffett
Corbin	Morris
Hardeman	Phillips
Harris	Strauss
Hazlewood	Tynan
Jones	Vick
Kelley of Hidalgo	

#### Nays—9

Aikin	Martin
Bell	Moore
Hudson	Proffer
Kelly of Tarrant	Shofner
Lock	

#### Absent

Ashley	Cousins
Colson	

#### Absent—Excused

Taylor	Weinert
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### Senate Bill 112 Set as Special Order

Senator Kelley of Hidalgo moved that Senate Bill No. 112 be set as a special order for Tuesday, April 26, 1949, immediately following the disposition of all other special orders set for that day.

The motion prevailed by the following vote:

#### Yeas—24

Ashley	Kelly of Tarrant
Bell	Lane
Bracewell	Lock
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Jones	Tynan
Kelley of Hidalgo	Vick

#### Nays—3

Aikin	McDonald
Martin	

#### Absent

Hazlewood	Hudson
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#### Absent—Excused

Taylor	Weinert
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### Senate Bill 247 Set as Special Order

Senator Harris moved that Senate Bill No. 247 be set as a special order for Tuesday, April 26, 1949, immediately following the disposition of all other special orders set for that day.

The motion prevailed by the following vote:

#### Yeas—25

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	McDonald
Bullock	Moffett
Carney	Morris
Colson	Phillips
Corbin	Proffer
Hardeman	Shofner
Harris	Strauss
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	

#### Nays—2

Martin	Moore
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#### Absent

Cousins	Hazlewood
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#### Absent—Excused

Taylor	Weinert
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### Senate Resolution 133

Senator Moffett offered the following resolution:

Whereas, The Senate is honored today to have present in the gallery a class of Hardin College students of Wichita Falls, Texas, accompanied by Professor A. F. Edwards, Head of the Department of Government at said College.

Whereas, The Senate is always glad to have citizens of the State and college students visit the Senate Chamber to better observe and acquaint themselves with the orderly processes

of a Democratic form of Government; now, therefore, be it

Resolved, By the Senate that it extend its most cordial greetings to the above mentioned class and its sponsors and that said class and its sponsors be welcomed to the Capitol, and that six (6) copies of this Resolution be sent to Hardin College to be retained in the records of that educational institution.

The resolution was read and was adopted.

#### Senate Resolution 134

Senator Proffer offered the following resolution:

Whereas, Mr. Otis Fowler, secretary-manager of the Chamber of Commerce of Denton, Texas, is visiting the Capitol; and

Whereas, He is an outstanding citizen of the State, now, therefore, be it Resolved, That Mr. Fowler be welcomed to the Senate and be extended the privileges of the floor for the day.

The resolution was read and was adopted.

#### Motion to Set House Bill 136 as Special Order

Senator Bracewell moved that House Bill No. 136 be set as a special order for Wednesday, April 27, 1949, immediately following the morning call.

The motion was lost by the following vote:

##### Yeas—13

Aikin	Hudson
Bell	Lane
Bracewell	Lock
Carney	Shofner
Cousins	Strauss
Harris	Vick
Hazlewood	

##### Nays—13

Ashley	Martin
Bullock	McDonald
Colson	Moore
Corbin	Phillips
Jones	Proffer
Kelley of Hidalgo	Tynan
Kelly of Tarrant	

##### Absent

Hardeman	Morris
Moffett	

##### Absent—Excused

Taylor	Weinert
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#### Senate Bill 41 on Third Reading

Senator Jones moved to suspend the regular order of business to take up S. B. No. 41 for consideration at this time.

The motion prevailed by the following vote:

##### Yeas—24

Ashley	Kelly of Tarrant
Bell	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Moore
Cousins	Morris
Harris	Phillips
Hazlewood	Proffer
Hudson	Strauss
Jones	Tynan
Kelley of Hidalgo	Vick

##### Nays—5

Aikin	Lane
Corbin	Shofner
Hardeman	

##### Absent—Excused

Taylor	Weinert
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The President pro tempore then laid before the Senate on its third reading and final passage:

S. B. No. 41, A bill to be entitled "An Act amending Article 4725, as amended, and declaring an emergency."

The bill was read third time and was passed by the following vote:

##### Yeas—25

Ashley	Kelly of Tarrant
Bell	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Harris	Proffer
Hazlewood	Strauss
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	

##### Nays—4

Aikin	Lane
Hardeman	Shofner

**Absent—Excused**

Taylor Weinert

**Senate Bill 24 on Third Reading**

Senator Carney moved to suspend the regular order of business to take up S. B. No. 24 for consideration at this time.

The motion prevailed by the following vote:

**Yeas—22**

Ashley	Kelly of Tarrant
Bell	Lock
Bracewell	Martin
Bullock	Moffett
Carney	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Harris	Strauss
Jones	Tynan
Kelley of Hidalgo	Vick

**Nays—6**

Aikin	Lane
Hardeman	McDonald
Hazlewood	Moore

**Absent**

Hudson

**Absent—Excused**

Taylor Weinert

The President pro tempore then laid before the Senate on its third reading and final passage:

S. B. No. 24, A bill to be entitled "An Act declaring lawful agreements, when they are in the public interest, as being reasonably necessary to prevent waste, promote conservation and protect correlative rights, for cooperative development and operation of separate interests in properties in the same field for the production of oil as well as gas, including specified provisions and operations, when approved by the Railroad Commission of Texas upon application, notice and hearing, but excluding cooperative marketing or refining of crude petroleum and excluding cooperative refining of gas or any by-product of gas except the extraction of liquid hydrocarbons and the separation thereof into their component parts, and excluding cooperative marketing of any by-product of gas which it is practical to deliver in kind; providing standards, etc.; and declaring an emergency."

The bill was read third time.

On motion of Senator Moffett and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

The bill was passed by the following vote:

**Yeas—21**

Ashley	Lock
Bracewell	Martin
Bullock	Moffett
Carney	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Harris	Strauss
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	

**Nays—7**

Aikin	Lane
Bell	McDonald
Hardeman	Moore
Hazlewood	

**Absent**

Hudson

**Absent—Excused**

Taylor Weinert

**Reason for Vote**

"I voted against the final passage of H. B. 721, because in my opinion it violates Art. 16, Sec. 31 of the Constitution as construed in the case of ex parte Halsted 182 S.W. (2d) 479."

**HARDEMAN.****Senate Bill 419 on Second Reading**

Senator Colson moved to suspend the regular order of business to take up S. B. No. 419 for consideration at this time.

The motion prevailed by the following vote:

**Yeas—25**

Aikin	Cousins
Ashley	Hazlewood
Bell	Hudson
Bracewell	Jones
Bullock	Kelley of Hidalgo
Carney	Lane
Colson	Lock
Corbin	McDonald

Moffett  
Moore  
Morris  
Phillips  
Proffer

Shofner  
Strauss  
Tynan  
Vick

#### Nays—4

Hardeman                      Kelly of Tarrant  
Harris                         Martin

#### Absent—Excused

Taylor                         Weinert

The President pro tempore then laid before the Senate on its second reading and passage to engrossment:

S. B. No. 419, A bill to be entitled "An Act to amend Section 1 of Senate Bill No. 61, Acts of the Fifty-first Legislature, making an emergency appropriation for the Texas Prison System; and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

#### Recess

On the motion of Senator Morris, the Senate at 12:00 o'clock m., took recess to 2:30 o'clock p.m. today.

#### Afternoon Session

The Senate met at 2:30 o'clock p.m. and was called to order by the President pro tempore.

#### Messages from the Governor

The following messages, received from the Governor today, were laid before the Senate, read, and referred to the Committee on Nominations of the Governor:

Austin, Texas,  
April 25, 1949.

To the Senate of the 51st

Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be member of the Advisory Hospital Council to fill the unexpired term of Honorable Meade Griffin, resigned, term to expire August 13, 1953:

Mr. Earle P. Adams of Crockett, Houston County;

To be member of State Board of Optometry to fill the unexpired term of Dr. N. J. Rogers, resigned, term to expire August 11, 1953:

Dr. Albert H. Rebsch of La Grange, Fayette County.

Respectfully submitted,  
BEAUFORD H. JESTER,  
Governor of Texas.

Austin, Texas,  
April 19, 1949.

To the Senate of the 51st

Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Pilot Commissioner for the Sabine Bar, Pass and tributaries to fill the unexpired term of James N. Neff, resigned, term to expire June 15, 1949:

Howard Peterson of Orange County, Texas;

To be Branch Pilots for the Sabine Bar, Pass and tributaries:

For two year term to expire April 12, 1951, Captain D. J. Simonton of Jefferson County, Texas;

For two year term to expire February 12, 1951, C. K. Luther of Jefferson County, Texas;

To be Branch Pilots for the Port of Galveston and Texas City for two year term to expire April 15, 1951:

Captain Ernest E. Lance of Galveston County, Texas; Captain Earl C. Goodwin of Galveston County, Texas.

Respectfully submitted,  
BEAUFORD H. JESTER,  
Governor of Texas.

#### House Bills on First Reading

The following bills, received from the House, were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 66, to Committee on Towns and City Corporations.

H. B. No. 420, to Committee on Agriculture.

H. B. No. 396, to Committee on State Affairs.

H. B. No. 159, to Committee on State Affairs.

**Message from the House**

Hall of the House of Representatives,  
Austin, Texas,  
April 25, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Resolutions:

The House has concurred in Senate amendments to House Bill No. 103 by vote of 113 yeas, 8 nays, and 3 present and not voting.

The House has concurred in Senate amendments to House Bill No. 33 by vote of 95 yeas, 25 nays.

The House has concurred in Senate amendments to House Bill No. 324 by vote of 112 yeas, 1 nay.

H. C. R. No. 66, Granting D. C. Rogers, Jr., of Anahuac, Chambers County, Texas, permission to sue the State of Texas and the State Highway Department.

H. C. R. No. 76, Memorializing Congress as to legislation relative to farm to market roads.

H. C. R. No. 81, In memory of Henry James of Abilene.

Respectfully submitted,

CLARENCE JONES,  
Chief Clerk, House of Representatives.

**Senate Bill 419  
on Passage to Engrossment**

The Senate resumed consideration of pending business, same being S. B. No. 419 on its passage to engrossment.

Question—Shall the bill be passed to engrossment?

Senator Hardeman offered the following amendment to the bill:

Amend S. B. No. 419, Sec. 1, by striking out the language beginning with the word "provided" on line 42 and ending with the word "bill" on line 47.

Senator Colson moved to table the amendment.

Yeas and nays were demanded.

The motion to table prevailed by the following vote:

**Yeas—23**

Aikin	Lane
Ashley	Lock
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Phillips
Colson	Proffer
Corbin	Strauss
Cousins	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	

**Nays—4**

Hardeman	Kelly of Tarrant
Harris	Martin

**Absent**

Hazlewood	Shofner
Morris	

**Absent—Excused**

Weinert

S. B. No. 419 was passed to engrossment.

**Senate Bill 419 on Third Reading**

Senator Colson moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 419 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—22**

Aikin	Lane
Ashley	Lock
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Phillips
Colson	Proffer
Corbin	Strauss
Cousins	Taylor
Hudson	Tynan
Kelley of Hidalgo	Vick

**Nays—4**

Hardeman	Kelly of Tarrant
Harris	Martin

**Absent**

Hazlewood	Morris
Jones	Shofner

**Absent—Excused**

Weinert



The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—22**

Aikin	Lane
Ashley	Lock
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Phillips
Colson	Proffer
Corbin	Strauss
Cousins	Taylor
Hudson	Tynan
Kelley of Hidalgo	Vick

**Nays—4**

Hardeman	Kelly of Tarrant
Harris	Martin

**Absent**

Hazlewood	Morris
Jones	Shofner

**Absent—Excused**

Weinert

**Senate Resolution 135**

Senator Carney offered the following resolution:

Whereas, The Memphis Cotton Carnival, one of the largest celebrations of its kind in the nation, will be held at Memphis, Tenn., on May 12, 13, 14 and 15, 1949; and,

Whereas, The Cotton Carnival Association has selected one band from each of the Southern States to represent that State in the two large parades that are features of the celebration; and,

Whereas, The band of Atlanta, Texas, High School has been selected to represent the Lone Star State; and,

Whereas, The Atlanta band is one of the outstanding High School bands in Texas and one that is sure to bring credit and favorable attention to this State wherever it appears; now, therefore, be it

Resolved by the Senate of Texas that the Governor be urged to designate the Atlanta High School Band as this State's official band at the Memphis Cotton Carnival; and be it further

Resolved, That the Senate express its congratulations to the Atlanta High School upon this deserved honor, and to the citizens of Atlanta whose

interest and financial backing have abetted the organization and development of this fine band and will make possible its trip to Memphis.

The resolution was read and was adopted.

**Motion to Recess**

Senator Bell moved that the Senate recess until 10:00 o'clock a.m. tomorrow.

Yeas and nays were demanded.

The motion was lost by the following vote:

**Yeas—12**

Ashley	Lane
Bell	Lock
Bullock	Martin
Hardeman	McDonald
Harris	Moore
Hudson	Strauss

**Nays—14**

Aikin	Kelly of Tarrant
Bracewell	Moffett
Carney	Phillips
Colson	Proffer
Corbin	Taylor
Cousins	Tynan
Kelley of Hidalgo	Vick

**Absent**

Hazlewood	Morris
Jones	Shofner

**Absent—Excused**

Weinert

**Bills Signed**

The President pro tempore signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills:

H. B. No. 55, A bill to be entitled "An Act authorizing the Commissioners' Court in any County having a population of not less than sixty-nine thousand and eighty (69,080) and not more than sixty-nine thousand one hundred (69,100) inhabitants according to the last preceding Federal Census to lease or sell any County Hospital belonging to said County upon such terms and conditions as may be agreed to by the Commissioners' Court of such County and providing that no sale of such Hospital shall be confirmed by the Commissioners' Court of such County until such sale be approved by a majority

vote of the property tax paying citizens of such County and providing for the manner of conducting such election and declaring an emergency."

H. B. No. 137, A bill to be entitled "An Act amending Article 3924 of the Revised Statutes of Texas, relating to fees and costs in the Courts of Civil Appeals; and declaring an emergency."

H. B. No. 188, A bill to be entitled "An Act amending Chapter 153, page 296, General Laws of the Regular Session of the 45th Legislature, as amended by Chapter 186, page 252, General Laws of the Regular Session of the 49th Legislature, same being Article 2777d of Vernon's Annotated Civil Statutes, so as to provide a term of office of six (6) years for school trustees in cities constituting independent school districts, or which have assumed control of their public free schools, and which have a population of not less than 75,000 and not more than 175,000 according to the last preceding Federal Census, and in all independent school districts created by general or special law having within their boundaries a city of not less than 75,000 and not more than 175,000 population according to the last preceding Federal Census, to provide for choosing of terms by lot, to provide for filling of vacancies, and declaring an emergency."

H. B. No. 206, A bill to be entitled "An Act making it unlawful for any prisoner convicted of a felony and sentenced to serve a term in the penitentiary to escape from prison, or the lawful custody of an officer, or any other person authorized by law to have such prisoner in his custody; prescribing a penalty for violation thereof; and declaring an emergency."

H. B. No. 267, A bill to be entitled "An Act authorizing the Commissioners' Court of Henderson County, Texas, to issue bonds to refund certain outstanding time warrants; prescribing the method of issuing such bonds; adopting the provisions of Articles 709 to 715, both inclusive, with reference to approval by the Attorney General and registration by the Comptroller; validating the warrants thus to be refunded; and declaring an emergency."

H. B. No. 307, A bill to be entitled "An Act validating the consolidation

of certain common and independent school districts where a majority of the qualified voters of each of the affected districts approved such consolidation at an election held for such purposes; validating the bonds of such consolidation districts and the proceedings had authorizing same after such attempted consolidation; providing such validation shall not apply to districts now in litigation; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 404, A bill to be entitled "An Act amending Article 2093-C, Revised Civil Statutes of 1925, which said Article is further known as Acts of 1941, 47th Legislature, Page 156, Chapter 118, Section 1, as amended, providing for the creation of the position of assignment clerk for all counties having at least eight District Courts, two of which are Criminal Courts, and at least four County Courts, of which two are County Courts at Law and one is a County Criminal Court, providing for the appointment of such clerk and for duties and salary, and declaring an emergency."

H. B. No. 585, A bill to be entitled "An Act amending Chapter 27, Acts of the Third Called Session of the Forty-second Legislature, 1932, so as to authorize Navigation Districts coming within the scope of said Act to increase the terms of office of their Navigation and Canal Commissioners to six-year terms; providing for the time and method of their election; providing that this Act shall be cumulative of all other Acts in force affecting Navigation Districts affected hereby; and declaring an emergency."

### Senate Joint Resolution 3 On Second Reading

The President pro tempore laid before the Senate as a special order for this hour, on its second reading and passage to engrossment:

S. J. R. No. 3, Proposing an amendment to Article III of the Constitution of the State of Texas by addition of a new section to be known as Section 49-c, creating a Texas Water Conservation Projects Board and establishing a Texas Water Conservation Projects Revolving Fund; providing for an election and the issuance of a proclamation therefor.

The resolution was read second time.

Senator Bell offered the following amendment to the resolution:

Amend S. J. R. No. 3 by striking out all below the resolving clause, and inserting in lieu thereof the following:

Section 1. That Article III of the Constitution of the State of Texas be amended by adding thereto a new section to be known as Section 49-c, which shall read as follows:

"Sec. 49-c. There is hereby created a Board to be known as the Texas Water Conservation Projects Board, which shall be composed of the Governor, the Attorney General, and the Chairman of the Texas Board of Water Engineers. The Legislature shall provide by law for the issuance by said Board of not to exceed Two Hundred Million Dollars (\$200,000,000) in bonds as obligations of the State of Texas for the purpose of creating a fund to be known as the Texas Water Conservation Projects Revolving Fund, which bonds shall be issued and sold from time to time to make funds available for such projects as may be specifically authorized by the Legislature after official reports have been submitted by the Texas Water Conservation Projects Board and the Texas Board of Water Engineers showing such projects will be self-liquidating. Such bonds shall be executed by said Board as an obligation of the State of Texas in such form, denominations, and upon such terms as shall be prescribed by law, provided, however, that said bonds shall bear a rate of interest not to exceed three percent (3%) per annum. In the sale of any such bonds a preferential right shall be given to the administrators of the various teacher retirement funds, the Permanent University Funds, and the Permanent Free School Funds.

"The Texas Water Conservation Projects Revolving Fund shall be loaned by the Board for the sole purpose of financing or refinancing the mapping and planning and construction of projects for the development, conservation and utilization of the water resources of Texas for any beneficial purpose or purposes, and for the purpose of assisting State River Authorities and districts and local districts, municipal corporations and political subdivisions of the State in the construction of such works

under such rules and regulations as may be prescribed by law.

"The waters developed, conserved or stored by any project constructed in whole or in part out of funds of the Texas Water Conservation Projects Revolving Fund shall be sold for beneficial purposes under such rules and regulations as may be provided by law, and until the funds so advanced are repaid each such project shall pay into the Texas Water Conservation Projects Revolving Fund from revenues received for water and hydroelectric power not less than such sum as may be necessary to meet the project's annual obligation as to principal and interest as provided in the Act of the Texas Legislature authorizing the project."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at an election to be held throughout the State of Texas on the fourth Saturday in September, 1949, at which election all voters favoring the proposed amendment shall write or have printed on their ballots the following words:

"FOR the Amendment to Article III of the Constitution of the State of Texas by adding Section 49-c creating a Texas Water Conservation Projects Revolving Fund for the purpose of financing the mapping, planning and construction of projects for the development, conservation, and utilization of the water resources of Texas for any beneficial purpose or purposes, and for assisting State River Authorities and districts, and local districts, municipal corporations and political subdivisions of the State in the construction of such works."

Those opposing said proposed amendment shall write or have printed on their ballots the following words:

"AGAINST the Amendment to Article III of the Constitution of the State of Texas by adding Section 49-c creating a Texas Water Conservation Projects Revolving Fund for the purpose of financing the mapping, planning and construction of projects for the development, conservation, and utilization of the water resources of Texas for any beneficial purpose or purposes, and for assisting State River Authorities and districts, and local districts, municipal corporations and political subdivisions of the State in the construction of such works."

If it appears from the returns of said election that a majority of the

votes cast were in favor of said Amendment, the same shall become a part of the State Constitution and be effective from the date of the determination of such result and the Governor's proclamation thereof.

Sec. 3. The Governor of the State of Texas shall issue the necessary proclamation for said election, and shall have the same published as required by the Constitution and laws of this State.

Sec. 4. The sum of Ten Thousand Dollars (\$10,000) or so much thereof as may be necessary, is hereby appropriated to pay the expenses of such publication and election.

Question—Shall the amendment be adopted?

#### Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Senator Taylor submitted the following report:

Austin, Texas,  
April 25, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 454, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass.

TAYLOR, Chairman.

Senator Corbin submitted the following report:

Austin, Texas,  
April 25, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred H. B. No. 682, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CORBIN, Chairman.

Senator Bullock submitted the following report:

Austin, Texas,  
April 25, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred H. B. No. 710, have had same under consideration, and I am instructed to report it back to the Sen-

ate with the recommendations that it do pass and be not printed.

BULLOCK, Chairman.

Senator Jones submitted the following reports:

Austin, Texas,  
April 25, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 292, have had same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass and be mimeographed.

JONES, Chairman.

Austin, Texas,  
April 25, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 501, have had same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass and be mimeographed.

JONES, Chairman.

Senator Kelley of Hidalgo submitted the following reports:

Austin, Texas,  
April 25, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Water Rights, Irrigation and Drainage, to whom was referred H. B. No. 578, have had same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass and be mimeographed.

KELLEY of Hidalgo, Chairman.

Austin, Texas,  
April 25, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Military and Veterans Affairs, to whom was referred H. B. No. 13, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

KELLEY of Hidalgo, Chairman.

#### Recess

On motion of Senator Harris, the Senate at 3:45 o'clock p.m. took recess to 10:00 o'clock a.m. tomorrow.

**In Memory of**  
**Dr. James Walter Mills**

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(Senate Resolution No. 131)

Senator Cousins offered the following resolution:

Whereas, On March 8, 1949, our Almighty God called from his earthly existence Dr. James Walter Mills of Beaumont, Texas, and

Whereas, Dr. Mills was the son of one of the early settlers of Texas, a Methodist minister, having been born in Buena Vista, Texas; and

Whereas, He received his early schooling in Shelby County, and graduated from Sam Houston State Teachers College, after which he took special work at Southern Methodist University and was awarded the honorary Doctor of Divinity Degree in 1923, and the Doctor of Law at Southern Methodist University in 1940; and

Whereas, He dedicated himself to the Methodist Ministry, and accepted his first assignment in 1899, serving one year at Rosebud, two years at Wills Point, four years at Nacogdoches, four years in Timpson, and four years in Houston; and

Whereas, At the time of his death he was and had been for many years pastor of the First Methodist Church in Beaumont, Texas; and

Whereas, He was always a loyal supporter of projects that would help his fellow man, greatly interested in missionary work, both at home and abroad, and organized several new churches; and

Whereas, His particular interest was in helping young people through college, and through his interest he helped develop what is now the "Ministers Week" at Southern Methodist University; and

Whereas, He was one of the outstanding Methodists and citizens of Texas, and the best loved citizen of Beaumont; and

Whereas, He filled all the years allotted to him with devoted service to his family and friends and to humanity; and,

Whereas, His passing will be greatly mourned by his many friends throughout the State of Texas, and his loss is irreplaceable, and it is the desire of the Senate of Texas to recognize and to pay tribute to the services of the useful life of Dr. Mills, and to express sympathy to his family; and now, therefore, be it

Resolved, That we express to the members of the family of the deceased our sincere sympathy and regret upon the passing of this distinguished citizen; that a page be set aside in the Senate Journal as a memorial to him; that a copy of this Resolution be mailed to the members of the family of the deceased.

**COUSINS**

Signed—Allan Shivers, Lieutenant Governor, Aikin, Ashley, Bell, Bracewell, Bullock, Carney, Colson, Corbin, Hardeman, Harris, Hazlewood, Hudson, Jones, Kelley of Hidalgo, Kelly of Tarrant, Lane, Lock, Martin, McDonald, Moffett, Moore, Morris, Phillips, Proffer, Shofner, Strauss, Taylor, Tynan, Vick, Weinert.

The resolution was read.

On motion of Senator Hardeman, the names of the Lieutenant Governor and all Members of the Senate were added to the resolution as signers thereof.

The resolution was adopted by a rising vote of the Senate.